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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

NORMA CORTEZ,

Defendant and Appellant.

B280911

(Los Angeles County  
Super. Ct. No. BA345971)

APPEAL from an order of the Superior Court of Los Angeles County, Dennis Landin, Judge. Affirmed.

Robert E. Boyce, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\* \* \* \* \*

Norma Cortez was convicted of premeditated murder and premeditated attempted murder. Following remand of this case

from the California Supreme Court and our court, appellant appeals the denial of a new trial motion. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting this court review the record and determine whether any arguable issues exist on appeal. We have reviewed the entire record and find no arguable issue. We affirm.

### **BACKGROUND**

The facts are set out in the Supreme Court's opinion in this case. (*People v. Cortez* (2016) 63 Cal.4th 101, 105-110 (*Cortez*).) Briefly, while riding in a car driven by appellant, appellant's codefendant Rodrigo Alonso Bernal shot at two teenagers, killing one. Although the victims were not gang members, Bernal was a gang member and the shooting took place in rival gang territory. Before the shooting, the surviving victim heard a female voice say, “ “Where you guys from?” ’ ” and “ “Let them have it.” ’ ” A bystander saw the car screech to a halt and Bernal get out and fire, then heard Bernal say, “ “Let's go, let's go,” ’ ” as he got back in the car. The car drove away. (*Id.* at pp. 105-107.)

Appellant gave conflicting accounts of the incident to police. At trial, she testified she was not a gang member and Bernal was her neighbor. She did not think Bernal was a gang member, although he talked about the gang, lived in gang territory, and carried a gun at all times. The day of the shooting she gave him a ride to pick up some money he had lent someone. As they neared the intersection where the shooting occurred, she saw two young men yelling and making signs with their hands. Bernal jumped out of the still-moving car without saying a word and began shooting. He got back into the car and appellant drove away. She knew something bad had happened, but she was scared so she did not ask any questions about it. Afterward, she

was shocked and did not know what to do. (*Cortez, supra*, 63 Cal.4th at pp. 109-110.)

Appellant and Bernal were convicted of murder and premeditated attempted murder. On appeal, we affirmed Bernal's conviction but reversed appellant's conviction due to several prejudicial errors. (*Cortez, supra*, 63 Cal.4th at p. 105.) We did not reach additional issues raised by appellant, including whether the trial court applied the wrong standard when ruling on her new trial motion.

The Supreme Court reversed our judgment and remanded for further proceedings. (*Cortez, supra*, 63 Cal.4th at p. 134.)

On remand, we reversed the judgment and remanded for the trial court to rehear and redetermine appellant's new trial motion under the appropriate standard.

On remand, the trial court denied the motion, stating on the record that it had "conduct[ed] an independent examination in weighing all the evidence." Appellant timely appealed.

### **DISCUSSION**

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On August 16, 2017, we advised appellant she had 30 days to submit any contentions or issues she wished us to consider. Appellant did not file a supplemental brief.

We have examined the entire record. We are satisfied no arguable issues exist and appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

**DISPOSITION**

The order is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.